

107TH CONGRESS
1ST SESSION

S. 918

To provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2001

Ms. SNOWE (for herself, Mr. KOHL, Mr. BAYH, Mr. GRAHAM, Mr. JOHNSON, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. BREAUX, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Support Dis-
5 tribution Act of 2001”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

- Sec. 101. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.

TITLE II—DEMONSTRATIONS OF EXPANDED INFORMATION AND ENFORCEMENT

- Sec. 201. Guidelines for involvement of public non-IV-D child support enforcement agencies in child support enforcement.
- Sec. 202. Demonstrations involving establishment and enforcement of child support obligations by public non-IV-D child support enforcement agencies.
- Sec. 203. GAO report to Congress on private child support enforcement agencies.
- Sec. 204. Effective date.

TITLE III—EXPANDED ENFORCEMENT

- Sec. 301. Decrease in amount of child support arrearage triggering passport denial.
- Sec. 302. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
- Sec. 303. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.

TITLE IV—MISCELLANEOUS

- Sec. 401. Technical correction to changed dates for abstinence evaluation.
- Sec. 402. Report on undistributed child support payments.
- Sec. 403. Use of new hire information to assist in administration of unemployment compensation programs.
- Sec. 404. Immigration provisions.
- Sec. 405. Correction of errors in conforming amendments in the Welfare-to-Work and Child Support Amendments of 1999.
- Sec. 406. Increase in payment rate to States for expenditures for short-term training of staff of certain child welfare agencies.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

TITLE I—DISTRIBUTION OF CHILD SUPPORT

SEC. 101. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RE- CEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGN-
MENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIV-
ING TANF.—Section 408(a)(3) of the Social Security Act
(42 U.S.C. 608(a)(3)) is amended to read as follows:

“(3) NO ASSISTANCE FOR FAMILIES NOT AS-
SIGNING CERTAIN SUPPORT RIGHTS TO THE
STATE.—A State to which a grant is made under
section 403 shall require, as a condition of paying
assistance to a family under the State program
funded under this part, that a member of the family
assign to the State any right the family member
may have (on behalf of the family member or of any
other person for whom the family member has ap-
plied for or is receiving such assistance) to support
from any other person, not exceeding the total
amount of assistance so paid to the family, which ac-
crues during the period that the family receives as-
sistance under the program.”.

1 (b) INCREASING CHILD SUPPORT PAYMENTS TO
 2 FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBU-
 3 TION RULES.—

4 (1) DISTRIBUTION RULES.—

5 (A) IN GENERAL.—Section 457(a) of such
 6 Act (42 U.S.C. 657(a)) is amended to read as
 7 follows:

8 “(a) IN GENERAL.—Subject to subsections (e) and
 9 (f), the amounts collected on behalf of a family as support
 10 by a State pursuant to a plan approved under this part
 11 shall be distributed as follows:

12 “(1) FAMILIES RECEIVING ASSISTANCE.—In the
 13 case of a family receiving assistance from the State,
 14 the State shall—

15 “(A) pay to the Federal Government the
 16 Federal share of the amount collected, subject
 17 to paragraph (3)(A);

18 “(B) retain, or pay to the family, the State
 19 share of the amount collected, subject to para-
 20 graph (3)(B); and

21 “(C) pay to the family any remaining
 22 amount.

23 “(2) FAMILIES THAT FORMERLY RECEIVED AS-
 24 SISTANCE.—In the case of a family that formerly re-
 25 ceived assistance from the State:

1 “(A) CURRENT SUPPORT.—To the extent
 2 that the amount collected does not exceed the
 3 current support amount, the State shall pay the
 4 amount to the family.

5 “(B) ARREARAGES.—To the extent that
 6 the amount collected exceeds the current sup-
 7 port amount, the State—

8 “(i) shall first pay to the family the
 9 excess amount, to the extent necessary to
 10 satisfy support arrearages not assigned
 11 pursuant to section 408(a)(3);

12 “(ii) if the amount collected exceeds
 13 the amount required to be paid to the fam-
 14 ily under clause (i), shall—

15 “(I) pay to the Federal Govern-
 16 ment, the Federal share of the excess
 17 amount described in this clause, sub-
 18 ject to paragraph (3)(A); and

19 “(II) retain, or pay to the family,
 20 the State share of the excess amount
 21 described in this clause, subject to
 22 paragraph (3)(B); and

23 “(iii) shall pay to the family any re-
 24 maining amount.

25 “(3) LIMITATIONS.—

1 “(A) FEDERAL REIMBURSEMENTS.—The
 2 total of the amounts paid by the State to the
 3 Federal Government under paragraphs (1) and
 4 (2) of this subsection with respect to a family
 5 shall not exceed the Federal share of the
 6 amount assigned with respect to the family pur-
 7 suant to section 408(a)(3).

8 “(B) STATE REIMBURSEMENTS.—The
 9 total of the amounts retained by the State
 10 under paragraphs (1) and (2) of this subsection
 11 with respect to a family shall not exceed the
 12 State share of the amount assigned with respect
 13 to the family pursuant to section 408(a)(3).

14 “(4) FAMILIES THAT NEVER RECEIVED ASSIST-
 15 ANCE.—In the case of any other family, the State
 16 shall pay the amount collected to the family.

17 “(5) FAMILIES UNDER CERTAIN AGREE-
 18 MENTS.—Notwithstanding paragraphs (1) through
 19 (4), in the case of an amount collected for a family
 20 in accordance with a cooperative agreement under
 21 section 454(33), the State shall distribute the
 22 amount collected pursuant to the terms of the agree-
 23 ment.

24 “(6) STATE FINANCING OPTIONS.—To the ex-
 25 tent that the State’s share of the amount payable to

1 a family pursuant to paragraph (2)(B) of this sub-
 2 section exceeds the amount that the State estimates
 3 (under procedures approved by the Secretary) would
 4 have been payable to the family pursuant to former
 5 section 457(a)(2)(B) (as in effect for the State im-
 6 mediately before the date this subsection first ap-
 7 plies to the State) if such former section had re-
 8 mained in effect, the State may elect to use the
 9 grant made to the State under section 403(a) to pay
 10 the amount, or to have the payment considered a
 11 qualified State expenditure for purposes of section
 12 409(a)(7), but not both.

13 “(7) STATE OPTION TO PASS THROUGH ADDI-
 14 TIONAL SUPPORT WITH FEDERAL FINANCIAL PAR-
 15 TICIPATION.—

16 “(A) IN GENERAL.—Notwithstanding
 17 paragraphs (1) and (2), a State shall not be re-
 18 quired to pay to the Federal Government the
 19 Federal share of an amount collected on behalf
 20 of a family that is not a recipient of assistance
 21 under the State program funded under part A,
 22 to the extent that the State pays the amount to
 23 the family.

24 “(B) RECIPIENTS OF TANF FOR LESS
 25 THAN 5 YEARS.—

“(i) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and, if the family includes an adult, that has received the assistance for not more than 5 years after the date of enactment of this paragraph, to the extent that—

“(I) the State pays the amount to the family; and

“(II) subject to clause (ii), the amount is disregarded in determining the amount and type of the assistance provided to the family.

“(ii) LIMITATION.—Of the amount disregarded as described in clause (i)(II), the maximum amount that may be taken into account for purposes of clause (i) shall not exceed \$400 per month, except that, in the case of a family that includes 2 or more children, the State may elect to in-

1 crease the maximum amount to not more
2 than \$600 per month.

3 “(8) STATES WITH DEMONSTRATION WAIV-
4 ERS.—Notwithstanding the preceding paragraphs, a
5 State with a waiver under section 1115, effective on
6 or before October 1, 1997, the terms of which allow
7 pass-through of child support payments, may pass
8 through payments in accordance with such terms
9 with respect to families subject to the waiver.”.

10 (B) STATE PLAN TO INCLUDE ELECTION
11 AS TO WHICH RULES TO APPLY IN DISTRIB-
12 UTING CHILD SUPPORT ARREARAGES COL-
13 LECTED ON BEHALF OF FAMILIES FORMERLY
14 RECEIVING ASSISTANCE.—Section 454 of such
15 Act (42 U.S.C. 654) is amended—

16 (i) by striking “and” at the end of
17 paragraph (32);

18 (ii) by striking the period at the end
19 of paragraph (33) and inserting “; and”;
20 and

21 (iii) by inserting after paragraph (33)
22 the following:

23 “(34) include an election by the State to apply
24 section 457(a)(2)(B) of this Act or former section
25 457(a)(2)(B) of this Act (as in effect for the State

1 immediately before the date this paragraph first ap-
 2 plies to the State) to the distribution of the amounts
 3 which are the subject of such sections, and for so
 4 long as the State elects to so apply such former sec-
 5 tion, the amendments made by subsection (e) of sec-
 6 tion 101 of the Child Support Distribution Act of
 7 2001 shall not apply with respect to the State, not-
 8 withstanding subsection (f)(1) of such section 101.”.

9 (C) APPROVAL OF ESTIMATION PROCE-

10 DURES.—Not later than October 1, 2002, the
 11 Secretary of Health and Human Services, in
 12 consultation with the States (as defined for
 13 purposes of part D of title IV of the Social Se-
 14 curity Act), shall establish the procedures to be
 15 used to make the estimate described in section
 16 457(a)(6) of such Act.

17 (2) CURRENT SUPPORT AMOUNT DEFINED.—

18 Section 457(c) of such Act (42 U.S.C. 657(c)) is
 19 amended by adding at the end the following:

20 “(5) CURRENT SUPPORT AMOUNT.—The term
 21 ‘current support amount’ means, with respect to
 22 amounts collected as support on behalf of a family,
 23 the amount designated as the monthly support obli-
 24 gation of the noncustodial parent in the order re-
 25 quiring the support.”.

1 (c) BAN ON RECOVERY OF MEDICAID COSTS FOR
 2 CERTAIN BIRTHS.—Section 454 of such Act (42 U.S.C.
 3 654) as amended by subsection (b)(1)(B), is amended—

4 (1) by striking “and” at the end of paragraph
 5 (33);

6 (2) by striking the period at the end of para-
 7 graph (34) and inserting “; and”; and

8 (3) by inserting after paragraph (34) the fol-
 9 lowing:

10 “(35) provide that the State shall not use the
 11 State program operated under this part to collect
 12 any amount owed to the State by reason of costs in-
 13 curred under the State plan approved under title
 14 XIX for the birth of a child for whom support rights
 15 have been assigned pursuant to section 408(a)(3),
 16 471(a)(17), or 1912.”.

17 (d) STATE OPTION TO DISCONTINUE PRE-1997 SUP-
 18 PORT ASSIGNMENTS.—Section 457(b) of such Act (42
 19 U.S.C. 657(b)) is amended by striking “shall” and insert-
 20 ing “may”.

21 (e) CONFORMING AMENDMENTS.—

22 (1) Section 404(a) of such Act (42 U.S.C.
 23 604(a)) is amended—

24 (A) by striking “or” at the end of para-
 25 graph (1);

1 (B) by striking the period at the end of
 2 paragraph (2) and inserting “; or”; and

3 (C) by adding at the end the following:

4 “(3) to fund payment of an amount pursuant to
 5 clause (i) or (ii) of section 457(a)(2)(B), but only to
 6 the extent that the State properly elects under sec-
 7 tion 457(a)(6) to use the grant to fund the pay-
 8 ment.”.

9 (2) Section 409(a)(7)(B)(i) of such Act (42
 10 U.S.C. 609(a)(7)(B)(i)) is amended—

11 (A) in subclause (I)(aa), by striking
 12 “457(a)(1)(B)” and inserting “457(a)(1)”; and

13 (B) by adding at the end the following:

14 “(V) PORTIONS OF CERTAIN
 15 CHILD SUPPORT PAYMENTS COL-
 16 LECTED ON BEHALF OF AND DISTRIB-
 17 UTED TO FAMILIES NO LONGER RE-
 18 CEIVING ASSISTANCE.—Any amount
 19 paid by a State pursuant to clause (i)
 20 or (ii) of section 457(a)(2)(B), but
 21 only to the extent that the State prop-
 22 erly elects under section 457(a)(6) to
 23 have the payment considered a quali-
 24 fied State expenditure.”.

25 (f) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
 2 this section shall take effect on October 1, 2005,
 3 and shall apply to payments under parts A and D
 4 of title IV of the Social Security Act for calendar
 5 quarters beginning on or after such date, and with-
 6 out regard to whether regulations to implement such
 7 amendments (in the case of State programs operated
 8 under such part D) are promulgated by such date.

9 (2) STATE OPTION TO ACCELERATE EFFECTIVE
 10 DATE.—In addition, a State may elect to have the
 11 amendments made by this section apply to the State
 12 and to amounts collected by the State, on and after
 13 such date as the State may select that is after the
 14 date of enactment of this Act and before October 1,
 15 2005.

16 **TITLE II—DEMONSTRATIONS OF** 17 **EXPANDED INFORMATION** 18 **AND ENFORCEMENT**

19 **SEC. 201. GUIDELINES FOR INVOLVEMENT OF PUBLIC NON-** 20 **IV-D CHILD SUPPORT ENFORCEMENT AGEN-** 21 **CIES IN CHILD SUPPORT ENFORCEMENT.**

22 (a) IN GENERAL.—Not later than October 1, 2002,
 23 the Secretary, in consultation with States, local govern-
 24 ments, and individuals or companies knowledgeable about
 25 involving public non-IV-D child support enforcement

1 agencies in child support enforcement, shall develop rec-
 2 ommendations which address the participation of public
 3 non-IV-D child support enforcement agencies in the es-
 4 tablishment and enforcement of child support obligations.
 5 The matters addressed by the recommendations shall in-
 6 clude substantive and procedural rules which should be
 7 followed with respect to privacy safeguards, data security,
 8 due process rights, administrative compatibility with Fed-
 9 eral and State automated systems, eligibility requirements
 10 (such as registration, licensing, and posting of bonds) for
 11 access to information and use of enforcement mechanisms,
 12 recovery of costs by charging fees, penalties for violations
 13 of the rules, treatment of collections for purposes of sec-
 14 tion 458 of such Act, and avoidance of duplication of ef-
 15 fort.

16 (b) DEFINITIONS.—In this title:

17 (1) CHILD SUPPORT.—The term “child sup-
 18 port” has the meaning given in section 459(i)(2) of
 19 the Social Security Act.

20 (2) PUBLIC NON-IV-D CHILD SUPPORT EN-
 21 FORCEMENT AGENCY.—The term “public non-IV-D
 22 child support enforcement agency” means an agency,
 23 of a political subdivision of a State, which is prin-
 24 cipally responsible for the operation of a child sup-
 25 port registry or for the establishment or enforcement

1 of an obligation to pay child support other than pur-
 2 suant to the State plan approved under part D of
 3 title IV of such Act, or a clerk of court office of a
 4 political subdivision of a State.

5 (3) SECRETARY.—The term “Secretary” means
 6 the Secretary of Health and Human Services.

7 (4) STATE.—The term “State” shall have the
 8 meaning given in section 1101(a)(1) of the Social
 9 Security Act for purposes of part D of title IV of
 10 such Act.

11 **SEC. 202. DEMONSTRATIONS INVOLVING ESTABLISHMENT**
 12 **AND ENFORCEMENT OF CHILD SUPPORT OB-**
 13 **LIGATIONS BY PUBLIC NON-IV-D CHILD SUP-**
 14 **PORT ENFORCEMENT AGENCIES.**

15 (a) PURPOSE.—The purpose of this section is to de-
 16 termine the extent to which public non-IV–D child support
 17 enforcement agencies may contribute effectively to the es-
 18 tablishment and enforcement of child support obligations.

19 (b) APPLICATIONS.—

20 (1) CONSIDERATION.—The Secretary shall con-
 21 sider all applications received from States desiring to
 22 conduct demonstration projects under this section.

23 (2) PREFERENCES.—In considering which ap-
 24 plications to approve under this section, the Sec-
 25 retary shall give preference to applications submitted

1 by States that had a public non-IV–D child support
2 enforcement agency as of January 1, 2001.

3 (3) APPROVAL.—

4 (A) TIMING; LIMITATION ON NUMBER OF
5 PROJECTS.—On July 1, 2003, the Secretary
6 may approve not more than 10 applications for
7 projects providing for the participation of a
8 public non-IV–D child support enforcement
9 agency in the establishment and enforcement of
10 child support obligations, and, if the Secretary
11 receives at least 5 such applications that meet
12 such requirements as the Secretary may estab-
13 lish, shall approve not less than 5 such applica-
14 tions.

15 (B) REQUIREMENTS.—The Secretary may
16 not approve an application for a project
17 unless—

18 (i) the applicant and the Secretary
19 have entered into a written agreement
20 which addresses at a minimum, privacy
21 safeguards, data security, due process
22 rights, automated systems, liability, over-
23 sight, and fees, and the applicant has
24 made a commitment to conduct the project
25 in accordance with the written agreement

1 and such other requirements as the Sec-
2 retary may establish;

3 (ii) the project includes a research
4 plan (but such plan shall not be required
5 to use random assignment) that is focused
6 on assessing the costs and benefits of the
7 project; and

8 (iii) the project appears likely to con-
9 tribute significantly to the achievement of
10 the purpose of this title.

11 (c) DEMONSTRATION AUTHORITY.—On approval of
12 an application submitted by a State under this section—

13 (1) the State agency responsible for admin-
14 istering the State plan under part D of title IV of
15 the Social Security Act may, subject to the privacy
16 safeguards of section 454(26) of such Act, provide
17 to any public non-IV–D child support enforcement
18 agency participating in the demonstration project all
19 information in the State Directory of New Hires and
20 any information obtained through information com-
21 parisons under section 453(j)(3) of such Act about
22 an individual with respect to whom the public non-
23 IV–D agency is seeking to establish or enforce a
24 child support obligation, if the public non-IV–D
25 agency meets such requirements as the State may

1 establish and has entered into an agreement with
2 the State under which the public non-IV–D agency
3 has made a binding commitment to carry out estab-
4 lishment and enforcement activities with respect to
5 the child support obligation subject to the same data
6 security, privacy protection, and due process require-
7 ments applicable to the State agency and in accord-
8 ance with procedures approved by the head of the
9 State agency;

10 (2) the State agency may charge and collect
11 fees from any such public non-IV–D agency to re-
12 cover costs incurred by the State agency in providing
13 information and services to the public non-IV–D
14 agency under the demonstration project;

15 (3) if a public non-IV–D child support enforce-
16 ment agency has agreed to collect past-due support
17 (as defined in section 464(c) of such Act) owed by
18 a named individual, and the State agency has sub-
19 mitted a notice to the Secretary of the Treasury
20 pursuant to section 464 of such Act on behalf of the
21 public non-IV–D agency, then the Secretary of the
22 Treasury shall consider the State agency to have
23 agreed to collect such support for purposes of such
24 section 464, and the State agency may collect from
25 the public non-IV–D agency any fee which the State

1 is required to pay for the cost of applying the offset
 2 procedure in the case;

3 (4) for so long as a public non-IV-D child sup-
 4 port enforcement agency is participating in the dem-
 5 onstration project, the public non-IV-D agency shall
 6 be considered part of the State agency for purposes
 7 of section 469A of such Act; and

8 (5) for so long as a public non-IV-D child sup-
 9 port enforcement agency is participating in the dem-
 10 onstration project, the public non-IV-D agency shall
 11 be considered part of the State agency for purposes
 12 of section 303(e) of such Act but only with respect
 13 to any child support obligation that the public non-
 14 IV-D agency has agreed to collect.

15 (d) WAIVER AUTHORITY.—The Secretary may waive
 16 or vary the applicability of any provision of section 303(e),
 17 454(31), 464, 466(a)(7), 466(a)(17), and 469A of the So-
 18 cial Security Act to the extent necessary to enable the con-
 19 duct of demonstration projects under this section, subject
 20 to the preservation of the data security, privacy protection,
 21 and due process requirements of part D of title IV of such
 22 Act.

23 (e) FEDERAL AUDIT.—

24 (1) IN GENERAL.—The Comptroller General of
 25 the United States shall conduct an audit of the dem-

1 onstration projects conducted under this section for
2 the purpose of examining and evaluating the manner
3 in which information and enforcement tools are used
4 by the public non-IV-D child support enforcement
5 agencies participating in the projects.

6 (2) REPORT TO CONGRESS.—

7 (A) IN GENERAL.—The Comptroller Gen-
8 eral of the United States shall submit to Con-
9 gress a report on the audit required by para-
10 graph (1).

11 (B) TIMING.—The report required by sub-
12 paragraph (A) shall be so submitted not later
13 than October 1, 2005.

14 (f) SECRETARIAL REPORT TO CONGRESS.—

15 (1) IN GENERAL.—The Secretary shall submit
16 to Congress a report on the demonstration projects
17 conducted under this section, which shall include the
18 results of any research or evaluation conducted pur-
19 suant to this title, and shall include policy rec-
20 ommendations regarding the establishment and en-
21 forcement of child support obligations by the agen-
22 cies involved.

23 (2) TIMING.—The report required by paragraph
24 (1) shall be so submitted not later than October 1,
25 2006.

1 **SEC. 203. GAO REPORT TO CONGRESS ON PRIVATE CHILD**
2 **SUPPORT ENFORCEMENT AGENCIES.**

3 (a) IN GENERAL.—Not later than October 1, 2002,
4 the Comptroller General of the United States shall submit
5 to Congress a report on the activities of private child sup-
6 port enforcement agencies that shall be designed to help
7 Congress determine whether the agencies are providing a
8 needed service in a fair manner using accepted debt collec-
9 tion practices and at a reasonable fee.

10 (b) MATTERS TO BE ADDRESSED.—Among the mat-
11 ters addressed by the report required by subsection (a)
12 shall be the following:

13 (1) The number of private child support en-
14 forcement agencies.

15 (2) The types of debt collection activities con-
16 ducted by the private agencies.

17 (3) The fees charged by the private agencies.

18 (4) The methods used by the private agencies
19 to collect fees from custodial parents.

20 (5) The nature and degree of cooperation the
21 private agencies receive from State agencies respon-
22 sible for administering State plans under part D of
23 title IV of the Social Security Act.

24 (6) The extent to which the conduct of the pri-
25 vate agencies is subject to Federal or State regula-

1 tion, and if so, the extent to which the regulations
2 are effectively enforced.

3 (7) The amount of child support owed but un-
4 collected and changes in this amount in recent years.

5 (8) The average period of time required for the
6 completion of successful enforcement actions yielding
7 collections of past-due child support by both the
8 child support enforcement programs operated pursu-
9 ant to State plans approved under part D of title IV
10 of the Social Security Act and, to the extent known,
11 by private child support enforcement agencies.

12 (9) The types of Federal and State child sup-
13 port enforcement remedies and resources currently
14 available to private child support enforcement agen-
15 cies, and the types of such remedies and resources
16 now restricted to use by State agencies admin-
17 istering State plans referred to in paragraph (8).

18 (c) PRIVATE CHILD SUPPORT ENFORCEMENT AGEN-
19 CY DEFINED.—In this section, the term “private child
20 support enforcement agency” means a person or any other
21 nonpublic entity which seeks to establish or enforce an ob-
22 ligation to pay child support (as defined in section
23 459(i)(2) of the Social Security Act).

1 **SEC. 204. EFFECTIVE DATE.**

2 This title shall take effect on the date of enactment
3 of this Act.

4 **TITLE III—EXPANDED**
5 **ENFORCEMENT**

6 **SEC. 301. DECREASE IN AMOUNT OF CHILD SUPPORT AR-**
7 **REARAGE TRIGGERING PASSPORT DENIAL.**

8 Section 452(k) of the Social Security Act (42 U.S.C.
9 652(k)) is amended by striking “\$5,000” and inserting
10 “\$2,500”.

11 **SEC. 302. USE OF TAX REFUND INTERCEPT PROGRAM TO**
12 **COLLECT PAST-DUE CHILD SUPPORT ON BE-**
13 **HALF OF CHILDREN WHO ARE NOT MINORS.**

14 Section 464 of the Social Security Act (42 U.S.C.
15 664) is amended—

16 (1) in subsection (a)(2)(A), by striking “(as
17 that term is defined for purposes of this paragraph
18 under subsection (c))”; and

19 (2) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by striking “(1) Except as pro-
22 vided in paragraph (2), as used in” and in-
23 serting “In”; and

24 (ii) by inserting “(whether or not a
25 minor)” after “a child” each place it ap-
26 pears; and

1 (B) by striking paragraphs (2) and (3).

2 **SEC. 303. GARNISHMENT OF COMPENSATION PAID TO VET-**
 3 **ERANS FOR SERVICE-CONNECTED DISABIL-**
 4 **ITIES IN ORDER TO ENFORCE CHILD SUP-**
 5 **PORT OBLIGATIONS.**

6 Section 459(h) of the Social Security Act (42 U.S.C.
 7 659(h)) is amended—

8 (1) in paragraph (1)(A)(ii)—

9 (A) in subclause (IV), by striking “or”
 10 after the semicolon;

11 (B) in subclause (V), by inserting “or”
 12 after the semicolon; and

13 (C) by adding at the end the following:

14 “(VI) subject to paragraph (3),
 15 other than periodic benefits or pay-
 16 ments described in subclause (V), by
 17 the Secretary of Veterans Affairs as
 18 compensation for a service-connected
 19 disability paid by the Secretary to a
 20 former member of the Armed
 21 Forces;”; and

22 (2) by adding at the end the following:

23 “(3) LIMITATIONS WITH RESPECT TO COM-
 24 PENSATION PAID TO VETERANS FOR SERVICE-CON-
 25 NECTED DISABILITIES.—

1 “(A) ALIMONY AND CHILD SUPPORT.—
 2 Subject to subparagraph (B), compensation de-
 3 scribed in paragraph (1)(A)(ii)(VI) shall not be
 4 subject to withholding pursuant to this
 5 section—

6 “(i) for payment of alimony; or

7 “(ii) for payment of child support if
 8 the individual is fewer than 60 days in ar-
 9 rears in payment of the support.

10 “(B) LIMITATION.—Not more than 50 per-
 11 cent of any payment of compensation described
 12 in subparagraph (A) may be withheld pursuant
 13 to this section.”.

14 **TITLE IV—MISCELLANEOUS**

15 **SEC. 401. TECHNICAL CORRECTION TO CHANGED DATES** 16 **FOR ABSTINENCE EVALUATION.**

17 (a) IN GENERAL.—Section 513 of H.R. 5656, as en-
 18 acted into law by section 1(a)(1) of Public Law 106–554
 19 (114 Stat. 2763A–71), is amended—

20 (1) in subsection (a), by striking “Section
 21 403(a)(5)(H)(iii) of the Social Security Act (42
 22 U.S.C. 603(a)(5)(H)(iii))” and inserting “Section
 23 403(a)(5)(G)(iii) of the Social Security Act (42
 24 U.S.C. 603(a)(5)(G)(iii))”; and

1 (2) in subsection (b), by striking “Section
2 403(a)(5)(H)” and inserting “Section
3 403(a)(5)(G)”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall take effect as if included in the enact-
6 ment of section 513 of H.R. 5656 (as so enacted into law).

7 **SEC. 402. REPORT ON UNDISTRIBUTED CHILD SUPPORT**
8 **PAYMENTS.**

9 Not later than 6 months after the date of enactment
10 of this Act, the Secretary of Health and Human Services
11 shall submit to the Committee on Ways and Means of the
12 House of Representatives and the Committee on Finance
13 of the Senate a report on the procedures that the States
14 use generally to locate custodial parents for whom child
15 support has been collected but not yet distributed due to
16 a change in address. The report shall include an estimate
17 of the total amount of such undistributed child support
18 and the average length of time it takes for such child sup-
19 port to be distributed. The Secretary shall include in the
20 report recommendations as to whether additional proce-
21 dures should be established at the Federal or State level
22 to expedite the payment of undistributed child support.

1 **SEC. 403. USE OF NEW HIRE INFORMATION TO ASSIST IN**
2 **ADMINISTRATION OF UNEMPLOYMENT COM-**
3 **PENSATION PROGRAMS.**

4 (a) IN GENERAL.—Section 453(j) of the Social Secu-
5 rity Act (42 U.S.C. 653(j)) is amended by adding at the
6 end the following:

7 “(7) INFORMATION COMPARISONS AND DISCLO-
8 SURE TO ASSIST IN ADMINISTRATION OF UNEMPLOY-
9 MENT COMPENSATION PROGRAMS.—

10 “(A) IN GENERAL.—If a State agency re-
11 sponsible for the administration of an unem-
12 ployment compensation program under Federal
13 or State law transmits to the Secretary the
14 name and social security account number of an
15 individual, the Secretary shall, if the informa-
16 tion in the National Directory of New Hires in-
17 dicates that the individual may be employed,
18 disclose to the State agency the name, address,
19 and employer identification number of any pu-
20 tative employer of the individual, subject to this
21 paragraph.

22 “(B) CONDITION ON DISCLOSURE.—The
23 Secretary shall make a disclosure under sub-
24 paragraph (A) only to the extent that the Sec-
25 retary determines that the disclosure would not

1 interfere with the effective operation of the pro-
2 gram under this part.

3 “(C) USE OF INFORMATION.—A State
4 agency may use information provided under this
5 paragraph only for purposes of administering a
6 program referred to in subparagraph (A).”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a) shall take effect on October 1, 2001.

9 **SEC. 404. IMMIGRATION PROVISIONS.**

10 (a) NONIMMIGRANT ALIENS INELIGIBLE TO RE-
11 CEIVE VISAS AND EXCLUDED FROM ADMISSION FOR
12 NONPAYMENT OF CHILD SUPPORT.—

13 (1) IN GENERAL.—Section 212(a)(10) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1182(a)(10)) is amended by adding at the end the
16 following:

17 “(F) NONPAYMENT OF CHILD SUPPORT.—

18 “(i) IN GENERAL.—Any non-
19 immigrant alien is inadmissible who is le-
20 gally obligated under a judgment, decree,
21 or order to pay child support (as defined in
22 section 459(i) of the Social Security Act),
23 and whose failure to pay such child sup-
24 port has resulted in an arrearage exceeding
25 \$2,500, until child support payments

1 under the judgment, decree, or order are
 2 satisfied or the nonimmigrant alien is in
 3 compliance with an approved payment
 4 agreement.

5 “(ii) WAIVER AUTHORIZED.—The At-
 6 torney General may waive the application
 7 of clause (i) in the case of an alien, if the
 8 Attorney General—

9 “(I) has received a request for
 10 the waiver from the court or adminis-
 11 trative agency having jurisdiction over
 12 the judgment, decree, or order obli-
 13 gating the alien to pay child support
 14 that is referred to in such clause; or

15 “(II) determines that there are
 16 prevailing humanitarian or public in-
 17 terest concerns.”.

18 (2) EFFECTIVE DATE.—The amendment made
 19 by this subsection shall take effect 180 days after
 20 the date of enactment of this Act.

21 (b) AUTHORIZATION TO SERVE LEGAL PROCESS IN
 22 CHILD SUPPORT CASES ON CERTAIN ARRIVING
 23 ALIENS.—

1 (1) IN GENERAL.—Section 235(d) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1225(d)) is
3 amended by adding at the end the following:

4 “(5) AUTHORITY TO SERVE PROCESS IN CHILD
5 SUPPORT CASES.—

6 “(A) IN GENERAL.—To the extent con-
7 sistent with State law, immigration officers are
8 authorized to serve on any alien who is an ap-
9 plicant for admission to the United States legal
10 process with respect to any action to enforce or
11 establish a legal obligation of an individual to
12 pay child support (as defined in section 459(i)
13 of the Social Security Act).

14 “(B) DEFINITION.—For purposes of sub-
15 paragraph (A), the term ‘legal process’ means
16 any writ, order, summons, or other similar
17 process, which is issued by—

18 “(i) a court or an administrative
19 agency of competent jurisdiction in any
20 State, territory, or possession of the
21 United States; or

22 “(ii) an authorized official pursuant to
23 an order of such a court or agency or pur-
24 suant to State or local law.”.

1 (2) EFFECTIVE DATE.—The amendment made
 2 by this subsection shall apply to aliens applying for
 3 admission to the United States on or after 180 days
 4 after the date of enactment of this Act.

5 (c) AUTHORIZATION TO SHARE CHILD SUPPORT EN-
 6 FORCEMENT INFORMATION TO ENFORCE IMMIGRATION
 7 AND NATURALIZATION LAW.—

8 (1) SECRETARIAL RESPONSIBILITY.—Section
 9 452 of the Social Security Act (42 U.S.C. 652) is
 10 amended by adding at the end the following:

11 “(m) If the Secretary receives a certification by a
 12 State agency, in accordance with section 454(36), that an
 13 individual who is a nonimmigrant alien (as defined in sec-
 14 tion 101(a)(15) of the Immigration and Nationality Act)
 15 owes arrearages of child support in an amount exceeding
 16 \$2,500, the Secretary may, at the request of the State
 17 agency, the Secretary of State, or the Attorney General,
 18 or on the Secretary’s own initiative, provide such certifi-
 19 cation to the Secretary of State and the Attorney General
 20 in order to enable them to carry out their responsibilities
 21 under sections 212(a)(10) and 235(d) of such Act.”.

22 (2) STATE AGENCY RESPONSIBILITY.—Section
 23 454 of the Social Security Act (42 U.S.C. 654), as
 24 amended by section 101(c), is amended—

1 (A) by striking “and” at the end of para-
 2 graph (34);

3 (B) by striking the period at the end of
 4 paragraph (35) and inserting “; and”; and

5 (C) by inserting after paragraph (35) the
 6 following:

7 “(36) provide that the State agency will have in
 8 effect a procedure for certifying to the Secretary, in
 9 such format and accompanied by such supporting
 10 documentation as the Secretary may require, deter-
 11 minations that nonimmigrant aliens owe arrearages
 12 of child support in an amount exceeding \$2,500.”.

13 **SEC. 405. CORRECTION OF ERRORS IN CONFORMING**
 14 **AMENDMENTS IN THE WELFARE-TO-WORK**
 15 **AND CHILD SUPPORT AMENDMENTS OF 1999.**

16 The amendments made by section 2402 of the Emer-
 17 gency Supplemental Act, 2000 (Public Law 106–246; 114
 18 Stat. 555) shall take effect as if included in the enactment
 19 of section 806 of the Departments of Labor, Health, and
 20 Human Services, and Education, and Related Agencies
 21 Appropriations Act, 2000 (as enacted into law by section
 22 1000(a)(4) of Public Law 106–113; 113 Stat. 1501A–
 23 286).

1 **SEC. 406. INCREASE IN PAYMENT RATE TO STATES FOR EX-**
 2 **PENDITURES FOR SHORT-TERM TRAINING OF**
 3 **STAFF OF CERTAIN CHILD WELFARE AGEN-**
 4 **CIES.**

5 Section 474(a)(3)(B) of the Social Security Act (42
 6 U.S.C. 674(a)(3)(B)) is amended by inserting “, or State-
 7 licensed or State-approved child welfare agencies providing
 8 services,” after “child care institutions”.

9 **TITLE V—EFFECTIVE DATE**

10 **SEC. 501. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as otherwise provided in
 12 this Act, and subject to subsection (b), this Act and the
 13 amendments made by this Act shall take effect on October
 14 1, 2002, and shall apply to payments under part D of title
 15 IV of the Social Security Act for calendar quarters begin-
 16 ning on or after such date, and without regard to whether
 17 regulations to implement such amendments are promul-
 18 gated by such date.

19 (b) DELAY PERMITTED IF STATE LEGISLATION RE-
 20 QUIRED.—In the case of a State plan approved under sec-
 21 tion 454 of the Social Security Act which requires State
 22 legislation (other than legislation appropriating funds) in
 23 order for the plan to meet the additional requirements im-
 24 posed by the amendments made by this Act, the State plan
 25 shall not be regarded as failing to comply with the addi-
 26 tional requirements solely on the basis of the failure of

1 the plan to meet the additional requirements before the
2 first day of the first calendar quarter beginning after the
3 close of the first regular session of the State legislature
4 that begins after the date of enactment of this Act. For
5 purposes of the previous sentence, in the case of a State
6 that has a 2-year legislative session, each year of such ses-
7 sion shall be deemed to be a separate regular session of
8 the State legislature.

○